



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re patent application of:  
John R. Bianchi et al.

Application of Serial No. 10/756,971

Filed January 13, 2004

OPEN INTERVERTBRAL SPACER

) Before the Examiner:  
) Suzette J-J Gherbi  
)

) Group Art Unit 3738  
)

) Ref. No. MSDI-546  
)  
)

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Warsaw Orthopedic, Inc. and Regeneration Technologies, Inc. together have a 100% joint ownership interest in the instant application and in U.S. Patent No. 6,695,882, as evidenced by the following documents.

With regard to the subject application, Assignment from Brad Estes, Lawrence M. Boyd and John Pafford to SDGI Holdings, Inc., as recorded by the U.S. Patent and Trademark Office on January 13, 2004 at Reel 014939, Frame 0224; Assignment from John R. Bianchi and Kevin C. Carter to University of Florida Tissue Bank, as recorded by the U.S. Patent and Trademark Office on January 13, 2004 at Reel 014921, Frame 0742; Assignment from Southeast Tissue Alliance, Inc., University of Florida Orthopaedic Tissue Bank, Inc. and University of Florida Tissue Bank, Inc. to Regeneration Technologies, as recorded by the U.S. Patent and Trademark Office on February 25, 2005 at Reel 015796, Frame 0186; and documents evidencing the merger of SDGI Holdings, Inc. into Warsaw Orthopedic, Inc., copies of which are attached hereto and which have been filed for recordal with the U.S. Patent and Trademark Office.

With regard to U.S. Patent No. 6,695,882, Assignment from Brad Estes, Lawrence M. Boyd and John Pafford to SDGI Holdings, Inc., as recorded by the U.S. Patent and Trademark Office on December 28, 2001 at Reel 012438, Frame 0026; Assignment from John R. Bianchi and Kevin C. Carter to University of Florida Tissue Bank, Inc., as recorded by the U.S. Patent and Trademark Office on December 28, 2001 at Reel 012441, Frame 0519; Assignment from Southeast Tissue Alliance, Inc., University of Florida Orthopaedic Tissue Bank, Inc. and

University of Florida Tissue Bank, Inc. to Regeneration Technologies, Inc., as recorded by the U.S. Patent and Trademark Office on February 25, 2005 at Reel 015796, Frame 0186; and documents evidencing the merger of SDGI Holdings, Inc. into Warsaw Orthopedic, Inc., copies of which are attached hereto and which have been filed for recordal with the U.S. Patent and Trademark Office.

The undersigned attorney of record, on behalf of the owners, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,695,882 (hereafter "the prior patent"), as the term of the prior patent is defined in 35 U.S.C. §§154 and 173, and as the term of the prior patent is presently shortened by any terminal disclaimers. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 and 173 of the prior patent, as the term of the prior patent is presently shortened by a terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Enclosed is the statutory fee of \$130.00 pursuant to 37 C.F.R. §1.20(d).

Date: 23 February 2007

Respectfully submitted,

By: 

L. Scott Paynter  
Reg. No. 39,797  
Krieg DeVault LLP  
One Indiana Square, Suite 2800  
Indianapolis, Indiana 46204-2079